(5)

W.P. 2707/03

IN THE MADHYA PRADESH STATE ADMINISTRATIVE TRIBUNAL, JABALPUR

ORIGINAL APPLICATION No. 2080 of 1997

APPLICANT :- Soor Shyam Gaikwad, s/o Heeralal Gaikwad aged 30 years, upper Division Teacher, Govt. Middle School of Tribal Welfare Deptt., Bhanbeda, Shiksha Vikas Khand and Tahsil Bhanupratappur Dist. Bastar M.P. Permanant r/o Ghorda Tah. Bhanupratappur Dist Bastar Jagdalpur M.P.

Versus

NON APPLICANTS :- 1. State of M.P. through the Secretary Tribal Welfare Deptt. Bhopal M.P.

2. Addl. Commissioner, Tribal Development Bastar Jagdalpur M.P.

3. Head Master Govt Middle School of Tribal Welfare Deptt. Bhanbeda, Tahsil Bhanupratappur Dist. Bastar. Jaddalpur

4. D.S. Netam, Superintendant, Balak Ashram Konta, Tah Konta Dist Bastar. M.P.

APPLICATION U/s 19 OF THE ADMINISTRATIVE TRIBUNALS ACT 1985

DETAILS OF THE APPLICATION

(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 2283 OF 2005

Petitioner : Soor Shyam Gaikwad

Versus

Respondents : State of M.P. and others

Present : None appears for the petitioner.
Mr. V.V.S. Moorthy, Deputy Advocate General with Mrs. Anju Ahuja, Deputy Government Advocate for the State.

ORDER
(Passed on 9th Day of March, 2007)

The petitioner, while working as Upper Division Teacher Middle School, Bhanbeda was transferred to Balak Ashram Konta as Superintendant on the same terms and conditions, vide impugned transfer order dated 30-6-1996 (Annexure A-2).

2. The Madhya Pradesh Administrative Tribunal, Jabalpur, vide interim order dated 1-9-1997, directed for maintaining status quo, as was existing on that day.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of

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proved mala fide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash